DOCUMENT RESUME

ED 434 716 JC 990 652

TITLE	Community College Act of 1966. Act 331 of 1966 (as Amended through March 23, 1999).
INSTITUTION	Michigan State Dept. of Education, Lansing. Community Coll. Services Unit.
PUB DATE	1999-03-00
NOTE	29p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Board of Education Role; Boards of Education; *Community Colleges; Educational Policy; Elections; *Governance; Government School Relationship; *School Districts; *State School District Relationship; Two Year Colleges
IDENTIFIERS	*Michigan

ABSTRACT

The Community College Act of 1966 was enacted to redraft and unite the laws relating to community colleges in the state of Michigan. This document includes the original document plus amendments passed as of March 1999. The first part deals with the creation and government of districts. This includes districts comprised of elementary and intermediate school districts, the annexation of counties and townships, and also descriptions of the board of trustees. The first part deals extensively with the process by which districts are formed, including eligibility of school districts, the filing process, and definition by size. It also contains guidelines on how to hold elections, both for positions on the board of trustees (of which there are 7) and annexation elections. The second part deals with the general powers and duties of districts. It discusses districts as corporate entities, their legal names, and the various powers, duties and responsibilities of the board of trustees. The board has power much akin to that of a chief executive officer. Its role is largely financial, as they must handle much of the districts finance and prepare estimates of spending and taxes for the coming year. The second part also deals with public safety officers and police officer on college campuses, and their power, responsibilities, and jurisdiction within the college. (JA)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 434 716

Community College Act of 1966
Act 331 of 1966

Michigan State Department of Education
Community College Services Unit

JC 990652

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

J. H. Folkening

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

COMMUNITY COLLEGE ACT OF 1966
Act 331 of 1966
(as amended through March 23, 1999)

AN ACT to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1998, Act 153, Eff. March 23, 1999.

The People of the State of Michigan enact:

389.1 Community college act of 1966; short title.

Sec. 1. This act shall be known and may be cited as the "community college act of 1966".
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.2

Sec. 2. A petition under section 83 or 152, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.
History: 1998, Act 153, Eff. March 23, 1999.

PART 1

CHAPTER 1

COMMUNITY COLLEGE DISTRICT COMPRISED OF COUNTIES

389.11 Establishment of district; approval.

Sec. 11. (1) One or more contiguous counties, excepting any portion previously included in an existing community college district, may join to form a community college district by a majority vote of the electors thereof. Before the election is held, approval of the formation of the proposed community college district and the proposed maximum annual tax rate shall be obtained from the state board of education by the board or joint boards of education of the intermediate school districts of the counties affected.
(2) For the purposes of this chapter a county is eligible for the formation of a community college district even though a portion thereof is a part of an existing community college district. Such portion shall not be included in the area of the proposed community college district nor shall persons residing in such areas be eligible to vote at the organizational election or at any succeeding community college district elections.
History: 1966, Act 331, Eff. Oct. 1, 1966.

TC 490652

389.12 Organizational election; time of holding.

Sec. 12. (1) When approval of a proposed community college district is filed with the appropriate county clerks at least 75 days but not more than 6 months prior to the next general state election, the clerks shall include the necessary community college propositions with the proceedings for the general election.
(2) When approval of a proposed community college district is filed with the appropriate county clerks more than 6 months prior to the holding of the next general state election, each county clerk shall call a

special election for the purpose of submitting to the electors the propositions relating to the establishment of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967.

389.13 Organizational election; propositions submitted.

Sec. 13. At the organizational election there shall be submitted the following issues:
(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of ..... County (or counties) be established in accordance with Act No. ..... of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.
(c) Election of the first board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.14 Community college board of trustees; number and terms.

Sec. 14. (1) The community college district shall be directed and governed by a board of trustees, consisting of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election there shall be elected 3 members for 6-year terms, 2 for 4-year terms and 2 for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for terms of 6 years. Any community college district which on the effective date of this act has 6 board members, shall elect an additional trustee for a 6-year term at the next regular election held in the district. In a community college district which is comprised of 3 counties and is in operation on the effective date of this act, the board of trustees shall continue to consist of 9 members elected for 6-year terms, 3 of such members being elected from each of the 3 counties.
(2) When the organizational election is held at the same time as the general state election, the term of office of each member elected shall commence on January 1 following the organizational election.
(3) When the organizational election is held on a date other than the date of the general state election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on January 1 following the next general state election, however, the period of time from the date of the organizational election until January 1 following the next general state election shall be in addition to the regular terms to which each member was elected.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.15 Community college districts comprised of counties; establishment; annual tax rate.

Sec. 15. (1) A community college district shall be established if:
(a) A majority of the electors of each of the counties included in the proposed community college district voting thereon approve the organization of the district.
(b) A board of trustees in the required number is elected by each county voting thereon.
(2) If the proposition to organize the district fails of a proper majority, or if a board of trustees in the proper number is not elected a community college district shall not be established.
(3) A combined majority of the electors of the counties voting thereon shall approve the establishment of the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive approval of a proper majority of the electors of the counties voting thereon and a community college district is established under the provisions of this section, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the board of trustees for that purpose. If the proposition to establish the maximum annual tax rate fails after being submitted 3 times, the community college district is dissolved.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 285, Imd. Eff. Aug. 1, 1967.

389.16 Organizational elections; conduct.

Sec. 16. The general election laws, including the voting of absent voters, and all laws of the state relating to the hours for the opening and closing of the polls at elections and for preserving the purity of elections and for preventing fraud and corruption shall govern all elections under this act so far as the same are applicable and not inconsistent with the provisions of this act. All county and local election officials shall perform their election duties for all regular and special elections held in accordance with the provisions of this chapter, including the proper giving of notices of registration and election.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.17 Organizational elections; canvass of results.

Sec. 17. (1) The final results of the organizational election and succeeding elections of the community college district shall be canvassed by the county board of canvassers established by law.
(2) Where the election area involves more than 1 county the canvass shall be made by the county board of canvassers of the county containing the highest valuation of the community college district or proposed community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.18 Regular community college district elections; when held; special propositions.

Sec. 18. Regular elections of the community college district shall be held on the same date as the general state elections. At regular elections, in addition to the election of trustees, special propositions may be submitted to the vote of the electors when authorized by the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.19 Special elections.

Sec. 19. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the county clerks at least 60 days prior to the date of the election. The resolution of the board shall contain a statement of the propositions to be submitted to the electors.
(2) Upon receipt of the resolution each county clerk shall notify the county and local election officials of the calling of the special election. The election officials shall perform their regular election duties.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.20 Community college district elections; expenses.

Sec. 20. Expenses of elections of the community college district shall be paid by the board of trustees to the county and the several cities and townships upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the counties, cities and townships unless otherwise agreed upon between the board of the community college district and the boards of the counties, cities and townships.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.21 Annexations to district; procedure.

Sec. 21. (1) The board of trustees of a community college district comprised of a county or counties by resolution may annex to the community college district in the manner provided in this act any contiguous county or any contiguous township not already included within the area of a community college district. However, for a community college district located in the upper peninsula, the county or township being annexed need not be contiguous. Additionally, a community college district that has been offering classes at a federal military installation located in a noncontiguous county for a period of at least 20 years may annex that noncontiguous county or that portion of the noncontiguous county that is not within another

community college district.
(2) Prior to the annexation election, the board of trustees shall obtain approval of the proposed annexation from the state board of education. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the clerk of the county or township to be annexed. If the resolution and approval are filed more than 9 months from the date of the next general state election, then the county board of commissioners or the township board shall call a special election for the purpose of voting on the question of annexation to the community college district and of approving the maximum tax rate existing in the community college district.
(3) If the resolution and approval are filed less than 9 months but more than 50 days prior to the next general state election, then the propositions shall be presented at that election. Annexation becomes effective on the date of the election if both propositions receive majority approval of the electors voting thereon. The final results of the annexation election shall be canvassed as provided in section 17, except that if a township is the subject of annexation, the results shall be canvassed by the township board of canvassers established by law.
(4) By virtue of annexation, any territory annexed to a community college district shall be subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.
(5) If any portion of the county or township to be annexed lies within a community college district at the time of the annexation election, then the electors residing in that territory are not eligible to vote on the propositions and that territory shall not become a part of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1997, Act 147, Imd. Eff. Dec. 1, 1997.

CHAPTER 2

COMMUNITY COLLEGE DISTRICT COMPRISED OF SCHOOL DISTRICTS

389.31 Community college district; resolution requesting organization; approval of state board of education; eligibility of school district.

Sec. 31. (1) A school district or 2 or more contiguous school districts which operate grades kindergarten through 12 may form a community college district. When resolutions of the boards of education of contiguous school districts requesting the organization of the community college district are filed with the secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district area, he shall refer the questions of organizing the community college district and the proposed annual tax rate to the state board of education for approval. When the board of education of a single school district adopts a resolution requesting the organization of a community college district the secretary of the board of education of that district shall refer such questions to the state board of education for approval.
(2) For the purpose of this chapter, a school district operating grades kindergarten through 12 shall be eligible for the formation of a community college district even though a part of the district is within an existing community college district. Except as provided in section 46 the part shall not be included in the area of the community college district nor shall a person residing in the part be eligible to vote at the organizational election or at any community college district election.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.32 Filing copy of approval; inclusion of community college propositions in proceedings for annual election; special election; approval by majority of electors.
Sec. 32. (1) In the case of 2 or more school districts the secretary of the board of education of the intermediate school district shall file a copy of the approval specified in section 31 with the secretary of the board of education of each component school district. When the filing or receipt of approval from the state board of education by the secretary of the board of education of a single school district occurs at least 60 days but not more than 6 months prior to the next annual school election, the secretaries shall include the necessary community college propositions in the proceedings for the annual election.
(2) When the approval is filed with the secretaries of the component school districts or approval is

received by the secretary of the board of education of a single school district more than 6 months prior to the date of the annual school election, each board of education shall call a special election to be held on a date designated by the secretary of the intermediate board of education of the school district having the highest valuation within the proposed community college district, for the purpose of submitting the propositions relating to the establishment of a community college district, or in the case of a single school district the board of education shall call a special election on a date it determines. A majority of the electors of the school district voting thereon shall approve the organization of the community college district.

History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967; --Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.33 Organizational election; propositions submitted.

Sec. 33. At the organizational election the following issues shall be submitted to the electors:

(a) Proposition to establish the community college district. The ballots shall read substantially as follows:

Shall a community college district comprised of ..... (list names of school districts) be established in accordance with Act No. ..... of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.

(c) Election of the first board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.34 Community college district consisting of single school district; board of trustees; election and terms of members; termination of certain terms.

Sec. 34. (1) If the community college district consists of a single school district, the community college district shall be directed and governed by a board of trustees consisting of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election there shall be elected 3 members for 6-year terms, 2 for 4-year terms, and 2 for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of the members' terms of office, the members' successors shall be elected for terms of 6 years.

(2) When the organizational election is held at the same time as the annual school election, the term of office of each member elected shall commence on July 1 following the organizational election. However, if the annual school election is held in November, the term of each member elected shall commence on the January 1 following the organizational election.

(3) When the organizational election is held on a date other than the date of the annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. However, if the next annual school election is held in November, the regular terms of office shall commence on the January 1 following the annual school election. When the organizational election is held on a date other than the annual election date of the component school district, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 or January 1, whichever is applicable under this subsection, following the date of the annual election of the component district held not less than 1 year nor more than 2 years after the date of the organizational election.

(4) The term of any member serving, on the effective date of this subsection, in a district which elects members in November, shall terminate on January 1 of the calendar year in which the member's term otherwise would have expired, but for this subsection.

History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974; --Am. 1978, Act 36, Imd. Eff. Feb. 24, 1978; --Am. 1982, Act 381, Eff. Mar. 30, 1983.

389.34a Community college district consisting of 2 or more school districts; board of trustees; election and terms of members; termination of certain terms.

Sec. 34a. (1) If the community college district consists of 2 or more school districts, the community college district shall be directed and governed by a board of trustees consisting of 7 members, elected at large in the proposed community college district on a nonpartisan basis. At the organizational election, there shall be elected 3 members for 6-year terms, 2 members for 4-year terms, and 2 members for 2-year terms. Thereafter, at the next regular community college election immediately preceding the expiration of their terms of office, their successors shall be elected for terms of 6 years.
(2) When the organizational election is held at the same time as the annual school election, the term of office of each member elected shall commence on July 1 following the organizational election. However, if the annual school election is held in November, the term of each member elected shall commence on the January 1 following the organizational election.
(3) When the organizational election is held on a date other than the date of the annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. However, if the next annual school election is held in November, the regular terms of office shall commence on the January 1 following the annual school election. When the organizational election is held on a date other than the annual school election, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 or January 1, whichever is applicable under this subsection, following the date of the annual school election.
(4) In the case of an existing community college district consisting of 2 or more school districts, the board of trustees as presently constituted shall continue to serve until the next regular community college election which occurs after April 5, 1978. At that time, additional members shall be elected in numbers and for terms so that, together with existing board members whose terms are not expiring, there will be 2 members whose terms expire 2 years after the election, 3 members whose terms expire 4 years after the election, and 2 members whose terms expire 6 years after the election.
(5) The term of any member serving on the effective date of this subsection, in a district which elects members in November, shall terminate on January 1 of the calendar year in which the member's term otherwise would have expired, but for this subsection.
History: Add. 1978, Act 36, Imd. Eff. Feb. 24, 1978; --Am. 1982, Act 381, Eff. Mar. 30, 1983.

389.35 Conditions to establishment of community college district.

Sec. 35. (1) A community college district shall be established if:
(a) A majority of the electors of each school district voting thereon approve the organization of the district.
(b) A board of trustees in the required number is elected by a majority of the electors voting thereon.
(2) If the proposition to organize the district fails of a proper majority, or if a board of trustees in the proper number is not elected, a community college district shall not be established.
(3) A combined majority of the electors of the component school districts voting thereon shall approve the establishment of the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive approval of a proper majority of the electors of the component school districts voting thereon and a community college district is established under the provisions of this section, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the board of trustees for that purpose. If the proposition to establish the maximum annual tax rate fails after being submitted 3 times, the community college district is dissolved.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 285, Imd. Eff. Aug. 1, 1967; --Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.35a Conditions to organization of community college district consisting of single school district.

Sec. 35a. (1) A community college district consisting of a single school district shall be organized under the control of a separate governing board if:
(a) The board of education of the school district adopts a resolution requesting the organization of the community college under the control of a separate governing board. The secretary of the board of education shall refer the resolution to the state board of education for approval.
(b) A majority of the electors of the school district voting thereon approve the organization.

(c) A board of trustees for the community college is elected by a majority of the electors voting thereon pursuant to section 34.
(2) The community college district shall not be organized under a separate governing board if all the requirements of subsection (1) are not fulfilled.
History: Add. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.36 Community college election; conduct.

Sec. 36. (1) The provisions of sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.531 to 340.540 of the Compiled Laws of 1948, shall govern the conduct and procedures of the community college election conducted by local school boards under this chapter.
(2) Where part of a local school district is in another community college district, only those electors residing in the remainder of the school district shall be eligible to vote in the organizational election or in subsequent community college elections.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.37 Canvass of election.

Sec. 37. The results of an election in the school districts shall be canvassed within 3 days of the election by the boards of canvassers of the districts. The final canvass of the results of the organizational election shall be made by the board of canvassers appointed by the secretaries of the boards of the component school districts meeting jointly. The final canvass of the results of any community college district election, except the organizational election, shall be made by the board of canvassers appointed by the board of trustees of the community college district. In the case of a community college district consisting entirely of 1 school district the final canvass of an election shall be performed by the board of canvassers for elections in that school district.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

389.38 Regular community college elections; when held; special propositions.

Sec. 38. (1) The regular community college election shall be held at the same time as the annual school elections of the constituent school districts held in the odd numbered years on the date prescribed for annual school elections in sections 34, 72 and 108 of Act No. 269 of the Public Acts of 1955, as amended. If any component school district holds its annual school election on a different date, the board of such district shall call a special election to be held on the same day as that above prescribed. The election shall be conducted in the same manner provided by sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended.
(2) At the regular elections separate propositions may be submitted to the electors in addition to the election of trustees of the community college district when authorized by the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.
Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976.

389.39 Special community college district elections.

Sec. 39. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the secretaries of the component school districts at least 60 days prior to the date of the election. The resolution of the board shall contain a statement of the propositions to be submitted to the electors.
(2) The board of education of each component school district shall call the special election on the date specified in the resolution of the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.40 Community college election; expenses.

Sec. 40. Expenses of the elections shall be paid to the several school districts by the board of trustees of the community college district upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the school districts unless otherwise agreed upon between the boards of the community college district and the school districts.
History: 1966, Act 331, Eff. Oct. 1, 1966

389.41 Annexations to community college districts; approval.

Sec. 41. (1) The board of trustees by resolution may annex to the community college district any contiguous school district not already included within a community college district.
(2) The board of trustees shall obtain the approval of the proposed annexation from the state board of education. Upon receipt of the approval, the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the board of education of the school district to be annexed.
(3) If a school district which operates grades kindergarten through 12 is annexed to a community college district, the school district shall be entitled to elect a member to the board of trustees of the community college district for a term of 6 years. The first member shall be elected at the regular community college election next succeeding the annexation election.
History: 1966, Act 331, Eff. Oct. 1, 1966

389.42 District annexation; date; procedure.

Sec. 42. (1) If the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the annexation on a date specified by the secretary of the board of trustees of the community college district.
(2) If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the annexation proposition shall be submitted to the electors at the annual election.
History: 1966, Act 331, Eff. Oct. 1, 1966

389.43 District annexations; vote requirements.

Sec. 43. (1) At the annexation election the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation will become effective on the date of the election if both propositions receive majority approval of the electors voting thereon. By virtue of annexation, a school district heretofore or hereafter annexed shall be subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.
(2) If any portion of a school district to be annexed lies within a community college district at the time of the annexation election, the electors residing in such territory shall not be eligible to vote on the propositions and such territory shall not become a part of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966

389.44 School districts with community college; transfer of territory.

Sec. 44. Whenever territory which is not already within a community college district is transferred to a school district which is a part of a community college district, the territory shall be a part of the community college district and subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966

389.45 Annexation of school district to school district within community college district.

Sec. 45. Whenever a school district which is not within the area of community college district was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district shall be a part of the community college district and subject to taxes levied within the tax rate established in the community college district and to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.46 Boundaries of community college district established by single school district.

Sec. 46. When a community college district is established by a single school district operating a community college as a department of the school district under Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Michigan Compiled Laws, the boundaries of the community college district shall be coterminous with the boundaries of the school district at the time the community college district is established.
History: Add. 1974, Act 40, Imd. Eff. Mar. 13, 1974.

CHAPTER 3

COMMUNITY COLLEGE DISTRICT COMPOSED OF INTERMEDIATE SCHOOL DISTRICTS

389.51 Establishment of district; approval; territory.

Sec. 51. (1) The board of education of an intermediate school district or the boards of 2 or more adjoining intermediate school districts acting as a single board may direct that the question of coming under the provisions of this act be submitted to the school electors of the territory affected at the annual school elections or at special school elections held in the local school districts of such territory. If any school district holds its annual election on a different date, it shall call a special election to be held on the same day of the annual elections.
(2) The board of education of the intermediate school district or the joint board of 2 or more intermediate school districts shall designate the territory to be included in the proposed community college district and a uniform property tax question for the support of the community college, both propositions being subject to the approval of the state board of education.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.52 Organizational election; time of holding.

Sec. 52. (1) The secretary of the board of education of the intermediate school district having the highest valuation in the proposed community college district shall file a copy of the approval specified in section 51 together with the propositions to be submitted with the secretary of the board of education of each component school district. When the filing is made at least 60 days but not more than 6 months prior to the next annual school election, each secretary shall include the necessary community college propositions with the proceedings for the annual school election.
(2) When the approval is filed with the secretary of each component district more than 6 months prior to the date of the annual school election, each board of education shall call a special election to be held on a date designated by the secretary of the intermediate board of education of the school district having the highest valuation within the proposed community college district for the purpose of submitting the propositions relating to the establishment of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967.

389.53 Organizational election; propositions submitted.

Sec. 53. At the organizational election there shall be submitted the following issues:
(a) Proposition to establish the community college district. The ballots shall read substantially as follows:
Shall a community college district comprised of _____

(name of intermediate school district or districts) be established in accordance with Act No. ___ of the Public Acts of 1966?

(b) Proposition to establish the maximum annual tax rate.

(c) Election of the first board of trustees.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.54 Board of trustees; number and terms.

Sec. 54. (1) The community college district shall be directed and governed by a board of trustees, consisting of 7 members, elected at large in the proposed community college area on a nonpartisan basis. At the organizational election there shall be elected 3 members for 6-year terms, 2 for 4-year terms and 2 for 2-year terms. Thereafter, their successors shall be elected to serve for 6-year terms.

(2) When the organizational election is held at the same time as the annual school election, the term of office of each member elected shall commence on July 1 following the organizational election.

(3) When the organizational election is held on a date other than the date of the annual school election, each board member shall take office on the fifteenth day following the date of the organizational election. Regular terms of office shall commence on July 1 following the next annual school election. When the organizational election is held on a date other than the annual election date of the component school districts, the first year of the term of office of each of the members elected to the first board of trustees shall extend for the period of time remaining until July 1 following the date of the annual election of the component districts held not less than 1 year nor more than 2 years from the date of the organizational election.

(4) The term of office of the members of the board of trustees of a community college district organized in the manner provided in this chapter before April 22, 1965 shall be until July 1 following the first regular community college election at which there shall be elected 2 members for 2 years, 2 for 4 years and 3 for 6 years; thereafter, their successors shall be elected to serve for 6-year terms. In a community college district organized in the manner provided in this chapter before the effective date of this act, and having 6 members on the board of trustees, an additional member shall be elected at the next regular community college election for a term of 6 years.

History: 1966, Act 331, Eff. Oct. 1, 1966.

389.55 Establishment of community college district composed of intermediate school districts; annual tax rate.

Sec. 55. (1) A community college district shall be established if a majority of the electors voting in the proposed community college district area approve the organization of the district and elect a board of trustees in the proper number.

(2) A majority of the electors of the community college district shall approve the establishment of the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive approval of a proper majority of the electors voting in the proposed community college district area and a community college district is established under the provisions of this section, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the board of trustees for that purpose. If the proposition to establish the maximum annual tax rate fails after being submitted 3 times, the community college district is dissolved.

History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 285, Imd. Eff. Aug. 1, 1967.

389.56 Community college district elections; conduct.

Sec. 56. (1) The provisions of sections 531 to 540 of Act No. 269 of the Public Acts of 1955, as amended, shall govern the conduct and procedures of the community college election conducted by local school boards under this chapter.

(2) In those instances where part of a local school district is in another community college district, only those electors residing in the remainder of the school district shall be eligible to vote in the organizational

election and in subsequent elections of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.
Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976.

389.57 Community college district elections; canvass of results.

Sec. 57. The results of any election from the several school districts shall be canvassed within 3 days of the election by the boards of canvassers of the districts. The final canvass of the results of the organizational election shall be made by the board of canvassers of the intermediate school district having the highest valuation within the proposed community college district. The final canvass of the results of any community college district election except the organizational election shall be made by the board of canvassers appointed by the board of trustees of the community college.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967.

389.58 Date of regular elections, annual school elections, and special elections; submission of special propositions and election of trustees at regular elections.

Sec. 58. (1) The first regular election of a community college district shall be held at the time of the annual elections of the component school districts held not less than 2 years nor more than 3 years from the date of the organizational election. The date of the annual school elections referred to in this chapter is the date prescribed for annual school elections in sections 34, 72 and 108 of Act No. 269 of the Public Acts of 1955, as amended. If any school district holds its annual election on a different date, the board of this district shall call a special election for the community college district to be held on the same day as prescribed in this chapter. The period of time between the annual election dates shall be construed as being 1 year.
(2) Subsequent regular elections of the community college district shall be held biennially thereafter on the annual school election dates, unless the board of trustees determines to hold its election at the same time and in conjunction with a city election as provided in section 644k of Act No. 116 of the Public Acts of 1954, as added, being section 168.644k of the Compiled Laws of 1948.
(3) At the regular elections, special propositions may be submitted to the electors in addition to the election of trustees when authorized by the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967; --Am. 1971, Act 13, Imd. Eff. Apr. 25, 1971.
Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976.

389.59 Special community college election; called by board of trustees.
Sec. 59. (1) Special elections of the community college district may be called by the board of trustees. The secretary of the board shall file a copy of the resolution of the board calling the election with the secretary of each of the component school districts at least 60 days prior to the date of the election. The resolution shall contain a statement of the proposition to be submitted to the electors.
(2) The board of education of each component school district shall call the special election on the date specified in the resolution.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.60 Community college elections; expenses.

Sec. 60. Expenses of the elections shall be paid to the school districts by the board of trustees of the community college district upon presentation of statements therefor which shall not include charges for use of equipment or services of regular personnel of the school districts unless otherwise agreed upon between the boards of the community college district and the school districts.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.61 Annexations to community college districts.

Sec. 61. (1) The board of trustees by resolution may annex to the community college district any

contiguous intermediate school district or contiguous local school district not already included within a community college district area.
(2) The board of trustees shall obtain the approval of the proposed annexation from the state board of education. Upon receipt of the approval the secretary of the board of trustees shall file certified copies of the annexation resolution and the approval with the secretary of the board of education of the intermediate school district to be annexed, or with the secretary of the board of education of the local school district to be annexed.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.62 Elections for annexations to district; date.

Sec. 62. (1) In the annexation of a local school district, if the resolution and approval are filed with the secretary more than 90 days before the date of the annual election of the district to be annexed, the board of education of the district shall call a special election for voting on the propositions of annexation. If the resolution and approval are filed more than 20 days but less than 90 days prior to the date of the annual election of the district to be annexed, the annexation propositions shall be submitted to the electors at the annual election.
(2) In the annexation of an intermediate school district, the secretary of the board of education of the district in writing shall direct the board of education of each component school district to provide for the submission of the annexation propositions to the electors of the school district. The election shall be held at the time of the annual school elections if notification is given more than 20 but less than 90 days prior to the annual election date, otherwise, each board of education shall call a special election for this purpose on a date specified by the secretary of the intermediate board of education.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.63 Elections for annexations to district; voting requirements.

Sec. 63. (1) At the annexation election the electors shall vote on the propositions of annexation to the community college district and the adoption of the maximum annual tax rate of the community college district. Annexation is effective on the date of the election if both propositions receive majority approval of the electors voting thereon. By virtue of annexation, a school district heretofore or hereafter annexed shall be subject to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.
(2) If any portion of an intermediate school district or of a local school district to be annexed lies within a community college district at the time of the annexation election, the electors residing in such territory shall be excluded from voting on the propositions and such territory shall not become a part of the community college district.
(3) Final results of the annexation election shall be canvassed as provided in section 57.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.64 Transfer of territory of school districts within community college district.

Sec. 64. Whenever territory which is not within a community college district is transferred to a school district which is a part of a community college district, the territory shall become a part of the community college district and shall be subject to taxes levied within the maximum annual tax rate and to taxes levied for principal and interest of outstanding bonded indebtedness of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.65 Annexation of school district to school district within community college district.

Sec. 65. Whenever a school district which is not within a community college district which was heretofore or is hereafter annexed to a school district which is within a community college district, the annexed school district becomes a part of the community college district, and is subject to taxes levied within the tax rate

established in the community college district and to taxes for the payment of principal and interest of outstanding bonded indebtedness of the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

CHAPTER 4

ESTABLISHMENT OF DISTRICT BY PETITION

389.71 Approval of establishment of district by petition.

Sec. 71. Whenever the secretary of the board of education of an intermediate school district is requested in writing by not less than 25 school electors of the county, school district or intermediate school district to initiate proceedings for the organization of a community college district, he shall refer the question of organizing the community college district to the state board of education for its approval. The state board of education may approve or deny the proposal to initiate proceedings to effectuate the proposed community college district organization. Upon the approval of the petition by the state board of education, proceedings for the establishment of the community college district shall be held in accordance with the provisions of chapters 1, 2 or 3 for the respective type of community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

CHAPTER 5

INTERMEDIATE SCHOOL DISTRICTS OF MORE THAN 1,000,000

389.81 Intermediate school district of more than 1,500,000 constituted as community college district; scope; action of board.

Sec. 81. Upon the effective date of this chapter, an intermediate school district now or hereafter having a population of more than 1,500,000 is constituted as a community college district which shall include all of the territory of the intermediate district except that portion presently included in an established community college district or included in a school district operating a community college as a department of the school district under the provisions of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Compiled Laws of 1948. Any such established community college district or community college department of a district school system may become a part of the new community college district under this chapter by action of its board of trustees or board of education.
History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967; --Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984.
Compiler's note: Act 269 of 1955, referred to in this section, was repealed by Act 451 of 1976, Eff. Jan. 13, 1977.

389.82 Board of trustees; composition; reapportionment to determine boundary lines of trustee district using 1990 federal decennial census; costs; reapportionment to determine boundary lines of trustee district using 2000 federal decennial census.

Sec. 82. (1) A community college district established under this chapter shall have a board of trustees composed of 9 members determined and elected or appointed to fill a vacancy as provided in section 83. Until January 1, 1993, each member shall represent a trustee district established under former section 82A. Beginning January 1, 1993, each member shall represent a trustee district established under subsection (2) or (3).
(2) Before April 1, 1992, the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts, using the 1990 federal decennial census. The trustee districts shall be compact, contiguous, and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts. The trustee districts established under this subsection shall be in effect until reapportionment of the trustee districts under subsection (3). All costs for the reapportionment under

this subsection shall be paid by the state until a tax levy is authorized under section 84.
(3) Beginning with the 2000 federal decennial census, after each federal decennial census the board of trustees of a community college established under this chapter shall reapportion the territory of the community college district to determine the boundary lines of the 9 trustee districts. The trustee districts shall be compact, contiguous, and as equal as possible in population and shall be drawn to adjust for malapportionment by commencing redistricting from existing districts.
History: Add. 1984, Act 96, Imd. Eff. Apr. 23, 1984; --Am. 1992, Act 20, Imd. Eff. Mar. 19, 1992.
Compiler's note: Former § 389.82, deriving from Act 331 of 1966 and pertaining to rights and powers of community college district, was repealed by Act 77 of 1973.

389.82a Repealed. 1992, Act 20, Imd. Eff. Mar. 19, 1992.
Compiler's note: The repealed section pertained to the establishment of community college trustee districts, the composition of an apportionment commission, and the determination of boundary lines for trustee districts.

389.83 Board of trustees; election and terms of members; nomination of candidate for trustee; contents, requirements, and filing of nominating petitions; validity of signatures; limitation; commencement of term; qualifications of candidate; effect of ceasing residency in trustee district; vacancies; special elections; cost.

Sec. 83. (1) In the November, 1984 general election and every 4 years after that election until the November, 1992 general election, 9 members of the board of trustees of a community college district established under this chapter shall be elected for a term of 4 years. Each member shall represent a trustee district described in section 82.
(2) For the members of the board of trustees of a community college established under this chapter elected in the November, 1992 general election, the members receiving the 3 highest number of votes in the election each shall be elected for a term of 6 years, the members receiving the 3 next highest number of votes in the election each shall be elected for a term of 4 years, and the members receiving the 3 lowest number of votes each shall be elected for a 2-year term. A member elected after the November, 1992 term shall be elected for a term of 6 years unless he or she is elected to fill a vacancy for the unexpired term under subsection (6).
(3) Each candidate for trustee shall be nominated at a nonpartisan primary election conducted pursuant to the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The nominating petitions shall contain not less than 250, or more than 500 signatures of registered school electors of the appropriate trustee district; shall meet the requirements of section 544c of Act No. 116 of the Public Acts of 1954, being section 168.544c of the Michigan Compiled Laws; and shall be filed with the clerk of the county in which the community college district is located on or before 4 p.m. of the twelfth Tuesday before the primary election. A signature on a nominating petition shall not be valid unless the petitioner is a registered school elector of the trustee district in which the candidate is running for election. The county clerk may compare the signatures on the petitions with the signatures appearing on the registration records or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. Not more than 2 candidates shall be nominated at the primary election for each trustee district.
(4) Each of the 9 trustees shall commence his or her term of office on January 1 following his or her election.
(5) A candidate for the office of board member representing a trustee district or a person appointed to fill a vacancy pursuant to subsection (6) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the trustee district in which the person becomes a candidate or which the person is appointed to represent. If a member representing a trustee district ceases to reside in the trustee district during the trustee's term of office, it shall constitute a vacating of office.
(6) If a vacancy occurs on the board of trustees, the vacancy shall be filled from among registered school electors of the trustee district by majority vote of the remaining board members. If a person is appointed to fill a vacancy in a trustee district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the

vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.
(7) Special elections may be called by the board of trustees pursuant to chapters 1 and 2, except that the county or the constituent school districts shall pay for the cost of those elections until such time as the authorization to levy a tax is established.
History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967; --Am. 1969, Act 282, Imd. Eff. Aug. 11, 1969; --Am. 1973, Act 87, Imd. Eff. Aug. 5, 1973;--Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984; --Am. 1990, Act 11, Imd. Eff. Feb. 26, 1990; --Am. 1992, Act 20, Imd. Eff. Mar. 19, 1992.

389.84 Annual tax rate; submission to electors; limitation.

Sec. 84. The board of trustees shall submit to the electors of the district the proposition to establish the maximum annual tax rate. If the proposition to establish the maximum annual tax rate fails to receive a proper majority of the electors voting in the community college district at the first election held for that purpose, the proposition to establish the maximum annual tax rate may be resubmitted at a regular election or at a special election called by the board of trustees for that purpose. In no event shall such an election be called by the board of trustees more often than once in any 9 month period.
History: Add. 1967, Act 285, Imd. Eff. Aug. 1, 1967; --Am. 1969, Act 282, Imd. Eff. Aug. 11, 1969.

PART 2

CHAPTER 11

GENERAL POWERS AND DUTIES OF DISTRICTS

389.101 Community college districts; provisions governing.

Sec. 101. Each community college district shall be subject to and governed by the provisions of part 2 except as to those matters which are specifically or by necessary implication provided for in the particular chapter relative to the class or kind of community college district to which the district belongs.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.103 Community college as corporate entity.

Sec. 103. (1) A community college district is a body corporate and may sue and be sued, and may take, condemn, use, hold, sell, lease, and convey real property without restriction as to location and personal property including property received by gift, devise, or bequest, as the interest of the community college district may require. A community college district is presumed to have been legally organized if it has exercised the franchises and privileges of a community college district for a period of at least 2 years; and such a community college district and its trustees are entitled to all rights, privileges, and immunities, and are subject to all duties and liabilities conferred upon community college districts by law.
(2) In addition to the powers expressly stated in this act, a community college district and its board of trustees may exercise a power implied by or incident to any of its powers expressly stated in this act and, except as otherwise provided by law, may exercise a power incidental or appropriate to the performance of any function related to operation of the community college district in the interests of educational and other programs and services offered by the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997.

389.105 Community college programs; definitions.

Sec. 105. (1) A community college means an educational institution providing, primarily for all persons above the twelfth grade age level and primarily for those within commuting distance, collegiate and noncollegiate level education including area vocational-technical education programs which may result in the granting of diplomas and certificates including those known as associate degrees but not including baccalaureate or higher degrees.

(2) An area vocational-education program means a program of organized systematic instruction designed to prepare the following individuals for useful employment in recognized occupations:
(a) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.
(b) Persons who have already entered the labor market and who need training to achieve stability or advancement in employment.
(c) Persons enrolled in high school.
(3) When programs or courses are provided for persons enrolled in high school, the provision of the programs or courses shall be requested for each of the individuals by the superintendent or his designated representative of the school district in which the person is enrolled.
(4) The word "area", in the phrase "area vocational-technical education program", refers to the geographical territory of the district, and whatever territory without the district as is designated as the service area of the district by the state board of education. A community college is eligible to receive such state aid and assistance as may be appropriated by the legislature for the aid and support of junior colleges or community colleges.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.107 Qualifications of electors.

Sec. 107. An elector of a community college district shall possess the qualifications provided for in article 2 of the state constitution.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.109 Community college district; legal name.

Sec. 109. (1) Until changed by board resolution, every community college district shall have the legal name of "Community College District of ....." (the name of the county or counties when organized under chapter 1, the names of the component school districts when organized under chapter 2, or the name of the intermediate school district or districts when the community college district is organized under chapter 3).
(2) The board of any community college district by resolution may adopt a distinctive name for the community college district, which name, after being approved by the state board of education, shall be the legal name of the district for all purposes. The board in like manner may change the name of the district. The adoption of a distinctive name or the change in name of any district shall have no effect upon existing obligations incurred in the former name of the district or upon the district ownership of any real or personal property.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.111 Board of trustees; time, place, and notice of meetings; election and terms of officers; conducting business in compliance with open meetings act.

Sec. 111. (1) The first meeting of the board of trustees following the organizational election of a community college district shall be called by the secretary of the intermediate board of education of the county having the highest valuation within the community college district. The meeting shall be held within 15 days following the statutory date upon which the newly elected members take office, at a time and place designated by the secretary. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
(2) The organizational board meeting of a community college district operating under chapter 1 shall be held at the first meeting of the board of trustees in January following the date of the regular community college election. The organizational board meeting of a community college district operating under chapters 2 or 3 shall be held at the first board of trustees meeting in July following the date of the regular community college district election.
(3) At the first meeting of a first or succeeding board of trustees, the board shall elect a chairperson and a

vice chairperson, who shall be members of the board of trustees, and a secretary and a treasurer, who need not be members of the board of trustees. The officers shall be elected for a term of 2 years, subject to change of officers by resolution of the board.
(4) The business which the board may perform shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1977, Act 248, Imd. Eff. Dec. 6, 1977; --Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997.

389.112 Board of trustees; compensation; expenses.

Sec. 112. No member of the board of trustees except the secretary and treasurer may receive any compensation for any services rendered the district. Expenses of board members may be reimbursed when the expenses are authorized by the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.113 Board of trustees; quorum; vote required; conducting business at public meeting; record of meeting; availability of record to public; duties of chairperson, secretary, and treasurer.

Sec. 113. (1) A majority of the board of trustees is a quorum, but an act is not valid unless voted at a meeting of the board by a majority vote of the members elect of the board and a proper record made of the vote. The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976. The trustees shall keep a written or printed record of each regular or special meeting of the board, which record shall be available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.
(2) The chairperson, secretary and treasurer shall perform those duties as may be provided by law and prescribed by the bylaws and rules of the board of trustees not inconsistent with this act or the laws of this state.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1977, Act 248, Imd. Eff. Dec. 6, 1977.

389.114 Board of trustees; bonds of officers and employees.

Sec. 114. The treasurer and such other officers or employees as shall handle money on behalf of the community college district shall first secure a suitable bond from a responsible bonding company, which bond shall be paid for by the board of trustees.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.121 Board of trustees; general powers.

Sec. 121. The board of trustees of the community college district has the power to make plans for, to promote, or to acquire, construct, own, develop, maintain, and operate a community college and an area vocational-technical education program. The board of trustees may do all of the following:
(a) Locate, acquire, purchase, or lease in the name of the community college district a site or sites within or without the territory of the community college district for college buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; purchase, lease, acquire, erect or build and equip buildings, structures, and other improvements for college or area vocational-technical education buildings, libraries, agricultural farms, athletic fields, playgrounds, stadiums, gymnasiums, auditoriums, parking areas, residence halls, and supporting facilities as may be necessary; enter into installment purchase contracts for real or personal property; pay for real or personal property out of the funds of the community college district provided for that purpose; sell or exchange any real or personal property of the community college district that is no longer required for school purposes, and give proper deeds, bills of sale, or other instruments passing title to the real or personal property.
(b) Establish and carry on schools and departments or courses of study and other educational programs as

may be consistent with the purposes of this act, and take over and succeed to the operation of a community college or vocational-technical department or departments previously operated by school districts within the community college district.
(c) Establish, equip, and maintain agricultural, trade, and other vocational-technical departments and have general control over them for community college or area vocational-technical program purposes.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997.

389.122 Board of trustees; borrowing power; bonds; installment contract or notes for energy conservation improvements.

Sec. 122. The board of trustees may:
(a) Borrow, subject to the provisions of the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 139.3 of the Michigan Compiled Laws, for community college purposes including capital expenditures such sums of money and on such terms as it deems desirable and give notes of the district therefor. When the borrowing by a newly organized community college district is in anticipation of the collection of the first tax levy of such district, the loan shall not exceed 50% of the estimated amount of the first tax levy.
(b) Borrow, subject to the provisions of the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, such sums of money as it deems necessary and issue bonds of the community college district therefor, to purchase sites for buildings, playgrounds, athletic fields, or agricultural farms; to purchase or erect and equip any building or buildings, which it is authorized to purchase and erect; to make any permanent improvement which it is authorized to make; or in part to refund existing bonded indebtedness, and in part for any of the aforesaid purposes. A loan shall not be made and bonds shall not be issued for any sum which, together with the total outstanding bonded indebtedness of the district, including bonds voted but not issued, exceeds the total of 1½ % of the first $250,000,000.00 plus 1% of the excess over $250,000,000.00 of the last confirmed state equalized valuation of all taxable property in the district unless the proposition of making the loan or of issuing bonds has been submitted first to a vote of the qualified electors of the district, at a general or special election, and approved by the majority of the electors voting thereon, in which event loans may be made or bonds may be issued in an amount not to exceed 15% of the total state equalized valuation of the district. The refunding part of any bond issue shall not be included within the limitations but shall be deemed to be authorized in addition thereto. The bonded indebtedness of the district shall not extend beyond a period of 30 years for money borrowed. Bonds or obligations issued under this act shall not be purchased by the state.
(c) Provide for energy conservation improvements to be made to community college facilities and may pay for the improvements from operating funds of the district or from the savings which result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating or air conditioning controls, and entrance or exit way closures. The board of trustees may acquire 1 or more energy conservation improvements by installment contract or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings which result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract or notes issued pursuant to this subdivision shall extend for a period of time not to exceed 10 years. Notes issued pursuant to this subdivision shall be full faith and credit, tax limited obligations of the community college district, payable from tax levies and the general fund as pledged by the board of trustees. The notes shall be subject to the municipal finance act, Act No. 202 of the Public Acts of 1943. The notes shall bear interest at a rate determined by the board of trustees, not to exceed the rate provided in section 1a of chapter III of the municipal finance act, Act No. 202 of the Public Acts of 1943, being section 133.1a of the Michigan Compiled Laws. This subdivision does not limit in any manner the borrowing or bonding authority of a community college as provided by law.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1984, Act 148, Imd. Eff. June 25, 1984.

389.122a Energy conservation improvements; reports; forms.

Sec. 122a. (1) If energy conservation improvements are made as provided in section 122, the board of trustees shall report the following information to the Michigan public service commission within 60 days of the completion of the improvements:
(a) Name of each facility to which an improvement is made and a description of the conservation improvement.
(b) Actual energy consumption during the 12-month period before completion of the improvement.
(c) Project costs and expenditures.
(d) Estimated annual energy savings.
(2) If energy conservation improvements are made as provided in section 122, the board of trustees shall report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.
History: Add. 1984, Act 148, Imd. Eff. June 25, 1984; --Am. 1990, Act 228, Imd. Eff. Oct. 8, 1990.
Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at §460.901 of the Michigan Compiled Laws. For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws.

389.123 Board of trustees; care and custody of property; facilities, sanitary conditions, and medical inspections; tuition and fees; waiver of tuition; library; museum.
Sec. 123. The board of trustees may:
(a) Have the care and custody of the community college property and provide suitable facilities, sanitary conditions, and medical inspection for the community college of the district.
(b) Establish and collect tuition and fees for resident and nonresident students. A waiver of tuition shall not be granted by the board, except:
(I) The board of trustees may waive tuition for a student participating in a reciprocal agreement for exchange of educational services, if the agreement is approved by the state board of education.
(ii) The board of trustees may waive tuition for a student who meets the admission requirements of the board and is 60 years of age or older.
(c) Establish and maintain or continue a library or museum, which may be separately operated if desired, for the community college, if the board of trustees considers it advisable to establish and maintain or continue a library or museum and to provide for its care and management.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1970, Act 181, Imd. Eff. Aug. 3, 1970; --Am. 1972, Act 252, Imd. Eff. Aug. 3, 1972; --Am. 1975, Act 219, Imd. Eff. Aug. 26, 1975; --Am. 1980, Act 5, Imd. Eff. Feb. 11, 1980.

389.124 Board of trustees; powers as to chief executive officer, business manager, officers, teachers, and other employees.

Sec. 124. The board of trustees may do all of the following:
(a) Contract with, appoint, and employ a suitable person as chief executive officer of the community college. The person employed as chief executive officer shall not be a member of the board of trustees and shall possess at least an earned bachelor's degree from an accredited college or university. The chief executive officer shall hold office for a term fixed by the board of trustees, not to exceed 5 years, shall perform duties as the board of trustees may determine, and shall make reports in writing to the board of trustees and to the department of education annually, or more often if required, in regard to all matters pertaining to the educational interests of the community college district.
(b) Delegate to the chief executive officer of the community college the board's authority to do any of the following:
(I) Select and employ personnel of the community college.
(ii) Pay claims and demands against the community college.

(iii) Purchase, lease, or otherwise acquire personal property for the community college.
(iv) Invest community college funds.
(v) Subject to terms and conditions established by the board of directors, accept contributions, capital grants, gifts, donations, services, or other financial assistance from any public or private entity.
(c) Appoint and employ a business manager responsible to the chief executive officer of the community college for the community college district and fix his or her term of office.
(d) Select and employ other administrative officers, teachers, and other employees and engage services as necessary to effectuate its purposes.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1997, Act 135, Imd. Eff. Nov. 17, 1997.

389.125 Board of trustees; payment of claims against community college district; gifts; bylaws.

Sec. 125. The board of trustees may:
(a) Certify to the treasurer of the community college district for payment out of the funds thereof all claims and demands against the board or community college district, which shall be allowed by the board under rules and regulations it may establish.
(b) Borrow money or other property and accept contributions, capital grants, gifts, donations, services or other financial assistance from the United States of America or any agency or instrumentality thereof.
(c) Accept by gift or devise private property. They may accept from any county, township or other governmental unit any contribution authorized by its governing body as provided in sections 791 to 795 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.791 to 340.795 of the Compiled Laws of 1948. They shall likewise be entitled to receive from the state all grants of state aid, in the same manner and proportion, as any other community college.
(d) Adopt bylaws, rules and regulations for its own government and for the control and government of the community college district.
(e) Acquire and hold in the name of the district all real property and improvements acquired and erected under the provisions of this act.
(f) To do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the community college.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.126 Board of trustees; self-liquidating projects.

Sec. 126. Notwithstanding the provisions of sections 121 and 122, the board of trustees may acquire lands or acquire or erect and equip buildings or maintain them to be used as residence halls, apartments, dining facilities, student centers, health centers, parking facilities, stadiums, athletic fields, gymnasiums, auditoriums and other educational facilities and finance the acquisition thereof by borrowing money and issuing bonds or other obligations therefor under such terms and provisions as it deems best, including the right to refund such bonds or obligations and the board shall obligate itself for the repayment thereof, together with interest thereon, solely out of the income and revenues from such facilities or other facilities heretofore or hereafter acquired or any combination thereof or from allocations and pledges of fees and charges required to be paid by students enrolling in the college, or any combination thereof. The bonds shall be for a period not to exceed 50 years, and shall never constitute a debt of the state or any political subdivision thereof. The bonds shall not be subject to Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 131.3 of the Compiled Laws of 1948, or to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Compiled Laws of 1948.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 121, Imd. Eff. June 27, 1967.

389.127 Board of trustees; borrowing money and issuing obligations; purpose; pledging state appropriations; pledging full faith and credit of district; limitations; notes or obligations as first budget obligation; pledge as statutory lien; duties of state treasurer; approval of transactions to insure timely payment of note or obligation; expenses; notes or obligations not subject to §§ 131.1 to 138.2; form, terms, and sale of notes or obligations; repayment.

Sec. 127. (1) The board of trustees may also borrow money and issue its notes or other obligations to secure funds for operating expenses or to pay previous obligations incurred for operating purposes under this or any other statute. The board may pledge state appropriations made and not yet received, federal grants or payments, allocations of fees and charges required to be paid by students enrolling in the college, or any combination of these revenues, for payment of the notes or other obligations. A note or obligation pledging a state appropriation shall not be state indebtedness and shall carry a statement to that effect.
(2) Subject to applicable charter, statutory, and constitutional limitations, the board may pledge the full faith and credit of the district for notes or obligations issued pursuant to this section. In case of the insufficiency of the funds primarily pledged for the payment of notes or obligations to which the full faith and credit of the district has been pledged, the notes or obligations shall be a first budget obligation of the district payable from any available funds.
(3) A pledge pursuant to this section shall constitute a statutory lien which shall be valid and binding from the time the pledge is made without any physical delivery or further act or recording, notice, or filing of any kind. If state appropriations are pledged for payment of notes or obligations issued pursuant to this section, the district may direct the state treasurer to pay all or a part of payments due to the district to a paying agent, trustee, or escrow agent for payment of the notes or obligations. The state treasurer shall comply with such instructions, but this section shall not be construed to require the state treasurer to make payment when funds are not available or at a time or in an amount other than would be payable to the district pursuant to law or to give rise to any liability of the state to holders of notes or obligations for failure of the state or the state treasurer to comply with this section.
(4) In connection with the issuance of notes or obligations pursuant to this section the board may approve agreements, insurance contracts, lines of credit, letters of credit, commitments to purchase notes or obligations, or other transactions to insure timely payment of any note or obligation. The district may pay from the proceeds of the notes the costs incidental to the issuance of the notes and other incidental expenses, including fees or charges for transactions to provide a separate security to insure timely payment of the notes or obligations.
(5) Notes or obligations issued pursuant to this section shall not be subject to the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws. The notes or obligations shall be in such form, have such terms, and be sold in such manner as shall be determined by the board.
(6) Notes or obligations assessed pursuant to this section shall be fully repaid within the ensuing 12 months.
History: Add. 1982, Act 342, Imd. Eff. Dec. 20, 1982.

389.128 Public safety officers or police officers; grant of powers and authority; public hearings; public safety oversight committee.

Sec. 128. (1) Subject to subsections (2) and (3), the board of trustees of a community college created under this act may grant to the public safety officers or police officers of that community college the powers and authority of a peace or law enforcement officer. Public safety officers or police officers granted the powers and authority under this act shall have the same powers and authority of a peace officer under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 776.22, and as provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
(2) Before granting the powers and authority provided under subsection (1), a board of trustees of a community college shall conduct not less than 2 public hearings.
(3) The board of trustees of a community college shall not grant the powers and authority described in subsection (1) unless that board of trustees creates a public safety advisory committee. The public safety advisory committee shall be comprised of 2 members of the faculty and 2 members of the staff of the community college. The public safety advisory committee shall receive and address grievances by persons against the public safety officers or police officers or against the public safety department or police department of that community college. The committee may recommend to the board of trustees or the administration of that community college that disciplinary measures be taken against a public safety officer

or police officer who is found responsible for misconduct in office.
History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998; --Am. 1998, Act 281, Imd. Eff. July 27, 1998.

389.129 Public safety officers or police officers; jurisdiction.

Sec. 129. (1) The jurisdiction of public safety officers or police officers granted powers and authority of peace or law enforcement officers under section 128 shall include all property owned or leased by the community college in this state and extends to the public right-of-way traversing or contiguous to that property.
(2) The jurisdiction of public safety officers or police officers under subsection (1) is limited to the protection of persons and property on the property of that community college unless a response is made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.
History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998; --Am. 1998, Act 281, Imd. Eff. July 27, 1998.

389.130 Public safety officers or police officers; minimum standards.

Sec. 130. Public safety officers or police officers of a community college to whom the powers and authority of a peace or law enforcement officer are granted under section 1 shall meet the minimum standards of the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616.
History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998.

389.131 Monthly uniform crime reports.

Sec. 131. The public safety department or police department of each community college shall submit monthly uniform crime reports pertaining to crimes within the department's jurisdiction to the department of state police in the same manner as uniform crime reports are submitted under section 1 of 1968 PA 319, MCL 28.251.
History: Add. 1998, Act 51, Imd. Eff. Mar. 31, 1998; --Am. 1998, Act 281, Imd. Eff. July 27, 1998.

389.141 Board of trustees; annual budget, estimate.

Sec. 141. The board of trustees shall prepare annually on a day to be determined by the board of such district but before the third Monday in April of each year, an estimate of the amount of taxes or appropriation deemed necessary for the ensuing fiscal year for the purposes of expenditures authorized by law as within the powers of the board.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.142 Investment of funds; restrictions; commingling prohibited; disposition of earnings; limitation on investment or deposit of additional funds; "eligible collateral" defined.

Sec. 142. (1) The treasurer of a community college district, if authorized by resolution of the board of trustees, may invest debt retirement funds, building and site funds, building and sinking funds, or general funds of the district as provided in subsection (3). The investment shall be restricted to the following:
(a) Bonds, bills, or notes of the United States, or of an agency or instrumentality of the United States, or obligations of this state.
(b) Negotiable certificates of deposit, saving accounts, or other interest-earning deposit accounts of a financial institution. As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.
(c) Bankers' acceptances that are issued by a bank that is a member of the federal deposit insurance corporation.

(d) Commercial paper that is supported by an irrevocable letter of credit issued by a bank that is a member of the federal deposit insurance corporation.
(e) Commercial paper of corporations rated prime by at least 1 of the standard rating services.
(f) Mutual funds, trusts, or investment pools composed entirely of instruments that are eligible collateral.
(g) Repurchase agreements against eligible collateral, the market value of which must be maintained during the life of the agreements at levels equal to or greater than the amounts advanced. An undivided interest in the instruments pledged for these agreements must be granted to the community college.
(h) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a community college.
(2) Money in the funds of a community college district shall not be commingled for the purpose of making an investment authorized by this section, and all earnings on an investment shall become a part of the funds for which the investment was made.
(3) Notwithstanding subsection (1), additional funds of a community college district shall not be invested or deposited in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.
(4) As used in this section, "eligible collateral" means all securities which otherwise would qualify for outright purchase under this act.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1976, Act 401, Imd. Eff. Jan. 5, 1977; --Am. 1979, Act 78, Imd. Eff. Aug. 1, 1979; --Am. 1984, Act 299, Imd. Eff. Dec. 21, 1984; --Am. 1997, Act 23, Imd. Eff. June 12, 1997.

389.143 Board of trustees; audit of accounts.

Sec. 143. The board of trustees shall provide for a system of accounting meeting the approval of the state board of education. All accounts shall be audited once each year by a certified public accountant and a summary of the audit shall be published in a newspaper of general circulation in the community college district. The fiscal and accounting year shall commence with July 1 in each year. Copies of the reports of audits shall be filed as required by the state board of education and shall be available at all reasonable times for public inspection, as a condition of receiving any state aid for the subsequent fiscal year.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.144 Levy and collection of taxes; use of funds; limitation; determination and certification of rate and amount of taxes; manner and time of levy and collection; summer property tax levy; applicability of subsection (3); disposition of money collected; subjects of taxation.

Sec. 144. (1) The board of trustees of each community college district may levy for the purposes specified as within the power of the board a tax that does not exceed the rate previously or subsequently authorized by the qualified electors of the district or the rate derived through the previous adoption by the electors of the district of former Act No. 188 of the Public Acts of 1955, as amended, or the rate that is allocated to the community college district in accordance with the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws. The funds may be used for all purposes authorized, except that to the extent permitted under the municipal finance act, Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 139.3 of the Michigan Compiled Laws, taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued may be imposed without limitation as to rate or amount. This limitation may be increased to not more than 5 mills if approved by a majority of the qualified electors voting on the question at any general or special election of the community college district.
(2) Except as provided in subsection (3), the board of trustees shall determine the total taxes required for any year and shall certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city and township in which the territory of the community college district is situated on or before September 1 of each year, except that the board of trustees may provide by resolution that taxes to be raised against property within any city or township, any portion of which lies within the community college district boundaries, may be levied and collected in the same manner and at

the same time as the city or township taxes or in the same manner and at the same time as school district or intermediate school district taxes are being collected by the city or township pursuant to part 26 of the school code of 1976, Act No. 451 of the Public Acts of 1976, as amended, being sections 380.1611 to 380.1615 of the Michigan Compiled Laws.

(3) By resolution of its board on or before May 15 of the year in which it is established, a community college district established under this act between January 1 and May 1 of any calendar year may impose a summer property tax levy of either the total or ½ of the community college district property taxes for that tax year. The board resolution shall also determine the total taxes required for that tax year and certify the approved tax rate to be levied and the amount of taxes to be raised to the proper assessing officer of each city or township in which the territory of the community college district is situated. Upon receipt of that board resolution, each city and township in which the community college district is situated that collects a summer property tax levy pursuant to section 1613 of Act No. 451 of the Public Acts of 1976, being section 380.1613 of the Michigan Compiled Laws, shall collect the summer levy for that year. The reasonable and actual expenses incurred by a city or township in collecting the community college district property taxes under this subsection, to the extent these expenses are in addition to the expense of collecting and assessing any other taxes at the same time and exceed the amount of any fees imposed for the collection of the community college property taxes, shall be billed to and paid by the community college district. For the purposes of this subsection, reasonable and actual expenses shall not exceed the current collection agreements negotiated with the largest intermediate school district within the community college district. This subsection applies until December 31, 1992.

(4) All money collected by any tax collecting officer from the tax levied pursuant to this section shall be returned to the community college district pursuant to section 43 of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.43 of the Michigan Compiled Laws, or to the county treasurer who shall pay the taxes so returned immediately to the community college district.

(5) The subjects of taxation for the community college district purposes shall be the same as for state, county, and other school purposes as provided under the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1972, Act 223, Imd. Eff. July 25, 1972; --Am. 1982, Act 368, Imd. Eff. Dec. 28, 1982; --Am. 1984, Act 79, Imd. Eff. Apr. 18, 1984; --Am. 1990, Act 287, Imd. Eff. Dec. 14, 1990.

Compiler's note: For provisions of Act 188 of 1955, referred to in subsection (1), see § 390.871 et seq.

389.145 Community college district; exemption from taxation; special assessments.

Sec. 145. The property of the community college district shall be exempt from all taxation and assessment, and no writ of attachment or writ of execution shall be levied upon the property thereof. The board of trustees may enter into an agreement with any city, village or township or with the board of county road commissioners whereby the community college district agrees to pay special assessments for local improvements levied against any community college district property irrespective of the use to which the property is put.

History: 1966, Act 331, Eff. Oct. 1, 1966.

CHAPTER 12

BOARDS OF TRUSTEES

389.151 Community college district; board of trustees, eligibility.

Sec. 151. Any qualified elector residing within the community college district or proposed community college district is eligible to be chosen as a board member.

History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967.

389.152 Candidate for board of trustees; nominating petitions; signatures; filing; certification; canvass; notice; applicability of section.

Sec. 152. (1) Candidates for members of the first and succeeding boards shall be nominated by petition signed by not less than 50 or more than 200 qualified and registered electors residing within the geographic area of the community college district. All nominating petitions in community college districts organized under chapter 1 shall be filed not later than 4 p.m. on the one hundred-tenth day prior to the date of any election. All nominating petitions in community college districts organized under chapters 2 and 3 shall be filed not later than 4 p.m. on the ninth Monday prior to the date of any election. If the last day for filing nominating petitions falls on a Saturday, Sunday, or legal holiday, the nominating petitions shall be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday.
(2) Nominating petitions for the first board of trustees of a community college district organized under chapter 1 shall be filed with the county clerk or clerks. Nominating petitions for the first board of trustees organized under chapters 2 and 3 shall be filed with the secretary of the board of education of the intermediate school district of the county having the highest valuation within the community college district. Nominating petitions for succeeding boards of trustees shall be filed with the secretary of the board of trustees of the community college district, except that when candidates are elected from separate school districts within the college district as provided in chapter 2, nominees from school district areas shall file nominating petitions with the secretaries of school districts for the first and succeeding boards of trustees. In a community college district organized under chapter 1, the names of all candidates and the terms of office shall be certified to the county clerk or clerks by the secretary of the board of trustees of the community college district within 5 days after the last day for filing petitions.
(3) Upon the filing of nominating petitions with the appropriate official, he or she shall canvass them to ascertain if they have been signed by the requisite number of qualified and registered electors and for the purpose of determining the validity thereof may cause any doubtful signatures to be checked against the registration records of the clerk of any political subdivision in which the petitions were circulated, or may use any other method he or she deems proper for determining the validity of the doubtful signatures. If he or she determines that the nominating petitions of any candidate do not comply with the requirements or if the candidate does not possess the qualifications as required by the provisions of this act for membership on the board of trustees, the official shall notify the candidate of that fact and of the reasons.
(4) This section does not apply to nominating petitions for a candidate for a board of trustees organized under chapter 5.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1967, Act 231, Imd. Eff. July 10, 1967; --Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984; --Am. 1990, Act 11, Imd. Eff. Feb. 26, 1990.

389.153 Candidates for board of trustees; withdrawal, notice.

Sec. 153. After the filing of a nominating petition by or on behalf of a candidate for membership on the board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served upon the official with whom the nominating petition was filed or his duly authorized agent not later than 4:00 p.m. of the third day after the last day for filing the petition unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the official or his duly authorized agent up to 4:00 p.m. on the next secular day.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.154 Candidate for board of trustees; death, withdrawal, removal from district, or disqualification; election.

Sec. 154. When a candidate for election to the board of trustees dies before the election, withdraws, removes from the community college district or proposed district, or becomes disqualified for any reason, and that person is the only candidate for the term of office of member of the board of trustees, then at the first meeting of the board after the election, the board shall elect, by majority vote of the members of the board, a person who would otherwise meet the qualifications of the office to serve until the next succeeding regular community college election for members of the board of trustees or, in the case of a candidate for election to a board of trustees organized under chapter 5, until the next general election.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984.

389.155 Board of trustees; election; certificates of election.

Sec. 155. The candidate for each term of office who received the highest number of votes cast shall thereby be elected. Within 3 days of the official canvass the secretary of the final board of canvassers of any election for members to the board of trustees shall deliver a certificate of election to each of the candidates declared elected. The delivery may be made in person or by certified mail.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.156 Board of trustees; oath of office and acceptance, filing.

Sec. 156. (1) Within 15 days after his appointment or after the final canvass of his election, each person elected or appointed as a member of the board of trustees of a community college district shall file with the secretary of the board of trustees his oath of office and his acceptance of office, accompanied by a written affidavit setting forth the fact of his eligibility as provided in section 151. Each person elected or appointed to the board of any community college district shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of member of the board of trustees according to the best of my ability."
(2) Any member elected to the first board of trustees of a community college district shall file his acceptance of office, affidavit of eligibility and oath of office with the secretary of the intermediate board of education of the county having the highest valuation within the community college district.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.157 Board of trustees; vacancies, causes.

Sec. 157. The office of a member of the board of trustees shall become vacant immediately without declaration of any officer or any acceptance of the board of trustees or its members, upon the death of the incumbent, or his being adjudicated insane or being found to be mentally incompetent by the proper court; his resignation; his removal from office; his conviction of a felony; his election or appointment being declared void by a competent tribunal; his refusal or neglect to file his acceptance of office, or his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; his ceasing to possess the legal qualifications for holding office including his residence qualification.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.158 Filling vacancies.

Sec. 158. If a vacancy in the board of trustees occurs, the remaining members of the board by majority vote shall fill the vacancy immediately with a qualified elector of the community college district. Except as provided in section 83, any person so appointed shall hold office until the next regular community college election held for the election of members to the board of trustees in the community college district at which time the electors of the community college district shall fill the office for the unexpired portion of the term.
History: 1966, Act 331, Eff. Oct. 1, 1966; --Am. 1984, Act 96, Imd. Eff. Apr. 23, 1984.

CHAPTER 21

MISCELLANEOUS AND REPEALS

389.191 Construction of act.

Sec. 191. This act is for the purpose of implementing section 7 of article 8 of the state constitution and

shall be construed as being the charter of community colleges established and operating hereunder, and as determining the tax limitation of such colleges in accordance with section 6 of article 9 of the constitution.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.192 Saving clause.

Sec. 192. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect are hereby saved. It is the legislative intent that this act shall not be construed to alter or affect the continued organization or operation of the community college districts of the state or the rights or liabilities of such districts, except as otherwise specifically provided herein.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.193 Accrued rights and liabilities.

Sec. 193. Except as specifically otherwise provided in this act, this act shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this act had not been passed.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.194 Repeals.

Sec. 194. Act No. 188 of the Public Acts of 1955, as amended, being sections 390.871 to 390.883 of the Compiled Laws of 1948, is repealed.
History: 1966, Act 331, Eff. Oct. 1, 1966.

389.195 Effective date of act.

Sec. 195. This act shall take effect on October 1, 1966.
History: 1966, Act 331, Eff. Oct. 1, 1966.